

BY AUTHORITY

ORDINANCE NO. 34  
SERIES OF 2020

COUNCIL BILL NO. 38  
INTRODUCED BY COUNCIL  
MEMBER SIERRA

**AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8, CHAPTER 2, ARTICLE A, OF THE ENGLEWOOD MUNICIPAL CODE, IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2018 EDITION, AND SUCH AMENDMENTS AS SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO.**

**WHEREAS**, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

**WHEREAS**, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes";

**WHEREAS**, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

**WHEREAS**, the Chief Building Official for the City of Englewood has determined that none of the proposed amendments to the International Building Code, 2018, conflict with or are materially inconsistent with the applicable uniform building and fire codes;

**WHEREAS**, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been provided to the Denver Fire Chief; and

**WHEREAS**, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Building Code 2018 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:**

**Section 1.** Title 8, Chapter 2, Article A shall be amended as follows:

### **8-2A-1: CODE ADOPTED:**

There is hereby adopted, by reference thereto, the International Building Code 2018 Edition, in its entirety including errata updates, published as part of the Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2A-2 of this Article. The City Clerk shall maintain a copy of the Code, errata updates, and specific modifications to adopted Code as set forth within E.M.C. 8-2A-2, all of which will be available for inspection during regular business hours.

### **8-2A-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:**

The following specific changes, modifications and amendments are hereby made to the provisions of the International Building Code 2015, hereinabove adopted:

#### **A. CHAPTER 1. ADMINISTRATION**

##### **1. 101.1 Title.**

These regulations shall be known as the Building Code of the City of Englewood, hereinafter referred to as "this Code".

##### **2. 105.2 Work Exempt from Permit.**

**{subsection} Building** shall be amended to read as follows:

2. Refer to Section 16-2-9 of the Englewood Municipal Code for Zoning Site Plan Review requirements including requirements for siting and construction of fences.

4. Refer to Section 16-2-9 for Zoning Site Plan Review requirement including requirements for siting and construction of retaining walls.

##### **3. 109.2 Schedule of Permit Fees** shall be amended to read as follows:

These fees shall be determined by the City Council and set forth within the City's Fee and Rate Schedule.

##### **4. 109.3 Building Permit Valuations** shall be amended to add the following additional sentence:

The Chief Building Official may also utilize Building Valuation Data published in the ICC Building Safety Journal as a guideline to establish valuation.

##### **5. 109.6 Fee Refunds** shall be amended to read as follows:

The Chief Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Chief Building official may authorize refunding of not more than 80 percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The Chief Building Official may authorize not more than 80 percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Chief Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of the fee payment.

**6. 110.7 Reinspections** shall be added as follows:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete; the corrections called for are not made; the inspection record card is not posted or otherwise available on the work site; the approved plans are not readily available to the inspector; no access is provided to the site or for deviating from plans requiring approval of the chief building official.

To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purposed and pay the reinspection fee in accordance with Table 1.

In instances where reinspection fees have been assessed, no additional inspections of the work will be performed until the reinspection fees have been paid.

**7. 111.3.1 Temporary Occupancy Fee** shall be amended to add the following provision:

The fee for a Temporary Certificate of Occupancy is as set forth in Section 109.2 of this Chapter.

**8.** The entirety of section **113 BOARD OF APPEALS**, including all subsections, shall be amended to read as follows:

Refer to Section 8-1-7 of the Englewood Municipal Code for the requirements of this section.

**B. CHAPTER 3. OCCUPANCY CLASSIFICATION AND USE**

**9.** **303.1.4 Accessory to places of religious worship** shall be amended to add the following after the last sentence in the section:

Rooms or spaces within such places providing overnight temporary emergency winter weather sheltering for 49 or less occupants for less than 16 continuous hours and with sleeping rooms or spaces less than 10,000 square feet in aggregate area are not considered separate occupancies. Such uses shall comply with the following:

1. A fire watch shall be provided with at least one (1) person on site awake at all times. Fire Watch personnel shall be properly trained in fire watch procedures as prescribed by the Fire Marshal.
2. Sheltering is limited to the ground floor unless a fire suppression and fire alarm system are provided.
3. Smoke detectors and Carbon Monoxide alarms must be installed and maintained in working order.
4. A minimum of two (2) 2A:10BC fire extinguishers shall be installed as required by the International Fire Code. The travel distance to a fire extinguisher shall not exceed 75 feet.
5. Use is limited to forty-five (45) total days per designated severe winter weather period (October 1<sup>st</sup> – May 15<sup>th</sup>).
6. Sheltering is limited to severe weather (temperatures below 32 degrees and wet, or temperatures below 20 degrees and dry) and between the hours of 6 PM – 8 AM.
7. Panic hardware is required on exit doors or an approved alternative method based on occupancy / egress.
8. A conditional use permit for severe weather sheltering must be obtained from the City of Englewood Fire Marshal's Office.

C. **CHAPTER 9. FIRE PROTECTION AND LIFE SAFETY SYSTEMS**

10. **901.1.1 Scope** shall be added as follows:

All subsections of this Chapter 9, FIRE PROTECTION AND LIFE SAFETY SYSTEMS, that begin with the letter [F] designation shall be coordinated with Chapter 9 of the amended International Fire Code.

D. **CHAPTER 10. MEANS OF EGRESS**

11. **TABLE 1004.5 MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANT** shall be amended to add the additional requirements for Group F-1 occupancy for marijuana plant husbandry operations as follows:

**TABLE 1004.5**

MAXIMUM FLOOR AREA ALLOWNACE PER OCCUPANT

<u>Flowering or vegetative room (F-1 occupancy for marijuana plant husbandry)</u>	<u>300 net (agricultural use)</u>
<u>Work areas (F-1 occupancy for marijuana plant husbandry)</u>	<u>100 gross</u>

12. **1004.9.1 Bars, taverns, and similar areas** shall be added as follows:

Every room or space within a bar, tavern, or similar area that is an assembly function with an occupant load of 40 or more shall have the occupant load of the room or space posted in accordance with Section 1004.9.

13. **1018.5 Aisles in other than assembly spaces and groups B and M** shall be amended to include the following additions to the Exception provision as follows:

Exceptions:

1. Nonpublic aisles serving less than 50 people and not required to be accessible by Chapter 11 need not exceed 28 inches (711 mm) in width.

2. Aisles in high-piled combustible storage areas shall comply with the applicable provisions of Chapter 32 of the *International Fire Code*.

E. **CHAPTER 16. STRUCTURAL DESIGN**

14. **1608.2 Ground Snow Loads** shall be amended to add the following after the last sentence in the section:

Ground snow load as determined by Case Study shall be 30 lb/sq ft.

15. **1612.3 Establishment of Flood Hazard Areas** shall be amended to read as follows:

To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Englewood, dated November 1, 2010, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

F. **CHAPTER 21. MASONRY**

16. **2111.1.1 Fireplace Restrictions** shall be added as follows:

Fireplaces shall comply with Sections 16-1-11 and 16-1-12 of the Englewood Municipal Code.

G. **CHAPTER 29. PLUMBING SYSTEMS**

17. **2902.2 Separate Facilities** shall be amended to add the new exception number 5:

Exceptions:

5. Separate facilities may be labeled as unisex if such facilities are single user toilet and bathing rooms.

#### H. **CHAPTER 35. REFERENCED STANDARDS**

18. **CHAPTER 35 – REFERENCED STANDARDS** shall amend the following reference within the section entitled ASME:

**A18.1 - 2018 Safety Standard for Platform Lifts and Stairway Chairlifts.**

**Section 2.** Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

**Applicability of Title 1, Chapter 2, Saving Clause.** The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

**Enforcement.** E.M.C. Title 1, Chapter 4, “General Penalty” provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

**Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 5th day of October, 2020.

Published by title as a Bill for an Ordinance in the City's official newspaper on the 8<sup>th</sup> day of October, 2020.

Published as a Bill for an Ordinance on the City's official website beginning on the 7<sup>th</sup> day of October, 2020 for thirty (30) days.

Read by title and passed on final reading on the 19th day of October, 2020.

Published by title in the City's official newspaper as Ordinance No. 34, Series of 2020, on the 22<sup>nd</sup> day of October, 2020

Published by title on the City's official website beginning on the 21<sup>st</sup> day of October, 2020 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

DocuSigned by:

*Linda Olson*

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Linda Olson, Mayor

ATTEST:

DocuSigned by:

*Stephanie Carlile*

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Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by Title as Ordinance No. 34, Series of 2020.

DocuSigned by:

*Stephanie Carlile*

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Stephanie Carlile